

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENJAMIN CAULTON,

Petitioner,

v.

CIVIL ACTION NO. 04-CV-74814-DT
HONORABLE GEORGE CARAM STEEH

WILLIE SMITH,

Respondent.

ORDER DENYING PETITIONER'S MOTION
FOR APPOINTMENT OF COUNSEL

This matter is before the Court on Petitioner's motion for appointment of counsel. In support of his request, Petitioner alleges that he is unable to afford counsel, that he has limited legal knowledge, and that the issues involved in his case are complex. Petitioner has submitted his habeas petition and Respondent has recently filed an answer to the petition.

Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). Petitioner has submitted his petition and pleadings in support of his claims. Neither an evidentiary hearing nor discovery are necessary at this time, and the interests of justice do not require appointment of

counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c).

Accordingly, the Court **DENIES** Petitioner's motion for appointment of counsel. The Court will bear in mind Petitioner's request if, upon further review of the pleadings, the Court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: July 19, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on July 19, 2005, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk